

REMARKS**Claims 1, 5-8, 29, and 31 are Allowable**

The Office has rejected claims 1, 5-8, 29, 31, 45 and 46, at page 2 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. App. No. 2003/0039242 ("Moore") in view of U.S. Pat. No. 7,068,669 ("Abrol") and in further view of European Pat. App. No. EP1,107,549 ("Trott"). Claims 45 and 46 have been canceled, without prejudice or disclaimer, rendering the rejections of those claims moot. Applicant respectfully traverses the remaining rejections.

None of the cited references, including Moore, Abrol and Trott, disclose or suggest the specific combination of claim 1. For example, Moore, Abrol and Trott do not disclose a service request module configured to periodically send a session continuation request to a wireless network base station, wherein calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as recited in claim 1.

In contrast to claim 1, Moore discloses a mobile handset that determines whether it is within range of a local network. *Moore*, Abstract. Moore discloses that the mobile handset "may be determined to be out of range of the local network 15 when one of (1) the handset 10 is a predetermined distance from a wireless local network 15; (2) the handset is disconnected from a wired local network 15'; (3) a failure occurs in the VoIP telephone network 25; or (4) a failure occurs in the local network 15, 15'." *Moore*, p. 3, paragraph [0042]. Moore does not disclose a service request module configured to periodically send a session continuation request to a wireless network base station, wherein calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as recited in claim 1.

In contrast to claim 1, Abrol discloses techniques to maintain an IP session established via a first radio network while tuned to a second radio network. *Abrol*, Abstract. Abrol discloses

a "keep-alive" mechanism wherein an access terminal periodically sends a message to an HDR radio network requesting it to continue to maintain an IP session. *Abrol*, col. 9, lines 61-64. Maintaining the IP session of Abrol does not cause calls to be forwarded to the access terminal. Rather, Abrol discloses that while the IP session is open, the HDR radio network attempts to inform the access terminal that there is data available for it. *Abrol*, col. 8, lines 26-27. The HDR radio network does this by sending "spoof packets" to the access terminal. *Abrol*, col. 8, lines 26-35. The original communication is sent to the access terminal by the HDR network after the access terminal tunes in to the HDR network. *Abrol*, col. 8, lines 50-58. Thus, a communication is not forward to the access terminal via the CDMA radio network. Rather, a spoof packet indicating that the communication has been received at the HDR radio network is sent to the access terminal via the CDMA radio network. *Abrol*, col. 8, lines 7-58. Thus, Abrol does not disclose or suggest a service request module configured to periodically send a session continuation request to a wireless network base station, wherein calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as recited in claim 1.

Trott discloses a base station that converts a phone call initiated from a premises into a VoIP telephone call. *Trott*, paragraph 5. The system of Trott allows an incoming call to be received via a POTS telephone system and answered by use of a POTS or VoIP handset. *Id.* Trott does not disclose or suggest a service request module configured to periodically send a session continuation request to a wireless network base station, wherein calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as recited in claim 1.

Claims 5-8, 29, and 31 depend from claim 1, which Applicant has shown to be allowable. Hence, the combination of Moore, Abrol and Trott fails to disclose at least one element of each of claims 5-8, 29, and 31. Accordingly, claims 5-8, 29, and 31 are also allowable, at least by virtue of their dependence from claim 1.

Additionally, the dependent claims include features not disclosed or suggested by Moore, Abrol or Trott. For example, the combination of Moore, Abrol and Trott does not disclose or suggest a wireless network base station configured to send a call control message to a registration system associated with the mobile telephony network via a modem, as recited in claim 29. Abrol discloses techniques to maintain an IP session established via a high data rate radio network while being tuned to a CDMA radio network. *Abrol*, Abstract. Abrol does not disclose or suggest a wireless network base station configured to send a call control message to a registration system associated with the mobile telephony network via a modem, as recited in claim 29. In contrast to claim 29, Moore discloses that a mobile handset sends a message to the mobile telephone network to initiate or cancel call forwarding. *Moore*, paragraph [0018]. Moore does not disclose or suggest a wireless network base station that send a call control message to a registration system associate with the mobile telephony network, as recited in claim 29. In contrast to claim 29, Trott discloses a base station that converts a phone call initiated from a premises into a VoIP telephone call. *Trott*, paragraph 5. Trott does not disclose or suggest a wireless network base station that send a call control message to a registration system associate with the mobile telephony network, as recited in claim 29. Hence, claim 29 is allowable for at least this additional reason.

Claims 2-3, 27-28 and 52 are Allowable

The Office has rejected claims 2-3, 27-28, 30 and 52, at page 10 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Moore in view of Abrol and Trott and further in view of U.S. Pat. No. 5,920,815 ("Akhavan"). Claim 30 has been canceled, without prejudice or disclaimer, rendering the rejection of claim 30 moot. Applicant respectfully traverses the remaining rejections.

Claims 2-3, 27-28, and 52 depend from claim 1. None of the cited references, including Moore, Abrol, Trott and Akhavan, disclose or suggest the specific combination of claims 2-3, 27-28, 30 and 52. For example, as previously discussed, the combination of Moore, Abrol and Trott does not disclose a service request module configured to periodically send a session continuation request to a wireless network base station, wherein calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile

communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as recited in claim 1. Akhavan also does not disclose or suggest this feature. Rather, Akhavan discloses a Personal Communication System (PCS) using a Personal Phone Number (PPN) associated with each portable subscriber station. *Akhavan*, Abstract. Akhavan discloses that the hand set monitors the existence of communications between it and the base station and, automatically reactivates the cellular mode function when it determines that communications no longer exist with the base station. *Akhavan*, col. 19, lines 48-59. Akhavan does not disclose or suggest a service request module configured to periodically send a session continuation request to a wireless network base station, wherein calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as recited in claim 1. Hence, claim 1 is allowable.

Claims 2-3, 27-28 and 52 depend from claim 1, which Applicant has shown to be allowable. Hence, the combination of Moore, Abrol, Trott and Akhavan fails to disclose at least one element of each of claims 2-3, 27-28 and 52. Accordingly, claims 2-3, 27-28 and 52 are allowable, at least by virtue of their dependence from claim 1.

Claim 47 is Allowable

The Office has rejected claim 47, at page 14 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Moore in view of Abrol, Trott and Akhavan and further in view of U.S. Pat. No. 6,091,948 ("Carr"). Applicant respectfully traverses the rejection.

Claim 47 depends from claim 1. None of the cited references, including Moore, Abrol, Trott, Akhavan and Carr, disclose or suggest the specific combination of claim 47. For example, as previously discussed, the combination of Moore, Abrol, Trott and Akhavan does not disclose a service request module configured to periodically send a session continuation request to a wireless network base station, wherein calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as recited in claim 1. Carr also does not disclose or suggest this feature.

Rather, Carr discloses a call forwarding automation feature in a wireless telephone that provides automatic activation and deactivation of call forwarding. *Carr*, Abstract. Hence, claim 47 is allowable, at least by virtue of its dependence from claim 1.

Claim 48 is Allowable

The Office has rejected claim 48, at paragraph 12 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Moore in view of Abrol and Trott and further in view of U.S. Pat. No. 6,708,028 ("Byrne"). Applicant respectfully traverses the rejection.

Claim 48 depends from claim 1. None of the cited references, including Moore, Abrol, Trott and Byrne, disclose or suggest the specific combination of claim 48. For example, as previously discussed, the combination of Moore, Abrol and Trott does not disclose a service request module configured to periodically send a session continuation request to a wireless network base station, wherein calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as recited in claim 1. Byrne also does not disclose or suggest this feature. Rather, Byrne discloses a radio telephone capable of being operated in more than one radio telephone system. *Byrne*, Abstract. The radio telephone handset of Byrne monitors both a cellular network and a cordless system for incoming calls. *Byrne*, col. 2, lines 26-34. Thus, Byrne does not disclose or suggest a service request module configured to periodically send a session continuation request to a wireless network base station, wherein calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as recited in claim 1. Hence, claim 48 is allowable, at least by virtue of its dependence from claim 1.

Claims 49-51 are Allowable

The Office has rejected claims 49-51, at paragraph 13 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Moore in view of Abrol and Trott and further in view of U.S. Pat. No. 6,950,675 ("Wilhelm"). Applicant respectfully traverses the rejections.

Claims 49-51 depend from claim 1. None of the cited references, including Moore, Abrol, Trott and Wilhelm, disclose or suggest the specific combination of claims 49-51. For example, as previously discussed, the combination of Moore, Abrol and Trott does not disclose a service request module configured to periodically send a session continuation request to a wireless network base station, wherein calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as recited in claim 1. Wilhelm also does not disclose or suggest this feature. In contrast to claim 1, Wilhelm discloses a radio communications system and method in which a base station sends an identification code to a wireless subscriber terminal based on which radio transmission mode has the best instantaneous availability. *Wilhelm*, Abstract. Thus, Wilhelm does not disclose or suggest a service request module configured to periodically send a session continuation request to a wireless network base station, wherein calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as recited in claim 1. Hence, claims 49-51 are allowable, at least by virtue of their dependence from claim 1.

Claims 53-60 are Allowable

New claims 53-60 have been added. No new matter has been added. Claims 53-60 include features that are not taught or suggested by the cited references.

Claim 53 depends from claim 1. As discussed above, none of the cited references, including Moore, Abrol, Trott, Akhavan, Carr, Byrne and Wilhelm, disclose or suggest the specific combination of claim 1. For example, the combination of Moore, Abrol, Trott, Akhavan, Carr, Byrne and Wilhelm does not disclose a service request module configured to

periodically send a session continuation request to a wireless network base station, wherein calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as recited in claim 1.

New claim 54 is an independent claim. None of the cited references, including Moore, Abrol, Trott, Akhavan, Carr, Byrne and Wilhelm, disclose or suggest the specific combination of claim 54. For example, none of the cited references, including Moore, Abrol, Trott, Akhavan, Carr, Byrne and Wilhelm disclose or suggest a service request module configured to determine whether a wireless network base station is a pre-determined wireless network base station, and to establish a communication path with the wireless network based station via a wireless data network protocol when the wireless network base station is a pre-determined wireless network base station, as recited in claim 54. Hence, claim 54 is allowable.

Claims 55-58 depend from claim 54. Thus, the combination of Moore, Abrol, Trott, Akhavan, Carr, Byrne and Wilhelm fails to disclose at least one element of each of claims 55-58. Accordingly, claims 55-58 are allowable, at least by virtue of their dependence from claim 54.

New claim 59 is an independent claim. None of the cited references, including Moore, Abrol, Trott, Akhavan, Carr, Byrne and Wilhelm, disclose or suggest the specific combination of claim 59. For example, none of the cited references, including Moore, Abrol, Trott, Akhavan, Carr, Byrne and Wilhelm disclose or suggest a power supply controller adapted to power down the service request module when the mobile communication device is not in proximity to the wireless network base station, as recited in claim 59. Hence, claim 59 is allowable.

Claim 60 depends from claim 59. Thus, the combination of Moore, Abrol, Trott, Akhavan, Carr, Byrne and Wilhelm fails to disclose at least one element of claim 60. Accordingly, claim 60 is allowable, at least by virtue of its dependence from claim 59.

CONCLUSION

Applicant has pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicant

respectfully requests reconsideration and withdrawal of each of the rejections, as well as an indication of the allowability of each of the pending claims.

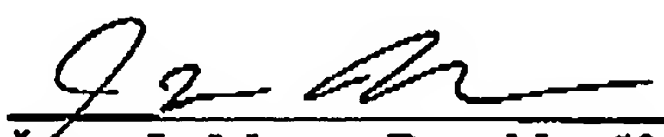
Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

11/28/07
Date


Jason L. Moore, Reg. No. 52,046
Toler Law Group, Intellectual Properties
8500 Bluffstone Cove, Suite A201
Austin, Texas 78759
(512) 327-5515 (phone)
(512) 327-5575 (fax)